

The Morehead City Board of Adjustment conducted a regular monthly meeting on Thursday, September 22, 2011, in the Municipal Building Auditorium, 202 South Eighth Street, which started at 5:30 p.m. The following were present:

**MEMBERS:** Holly Briggs, Dick Gambill, Joe Green, Tripp Mudge, Dave Robertson, Terry Senich, Beth Taylor, and Bill Ward

**ABSENT:** Chairman James Walker

**OTHERS PRESENT:** Planning Director Linda Staab, Zoning Enforcement Officer Joyce Veltman, Secretary Jeannie Vaughan, City Attorney Derek Taylor, Mark Hibbs of the Carteret News-Times, Trace Cooper, Commissioner Demus Thompson, and Deputy City Clerk Janet Hill.

Vice-Chairman Bill Ward called the meeting to order and gave the invocation.

The roll was called and Chairman James Walker was absent. Joe Green made **MOTION**, seconded by Beth Taylor, to excuse the called-in absence. The motion carried unanimously.

**OATHS OF OFFICE:** Deputy City Clerk Janet Hill recited the Oaths of Office with reappointed In-City Members Holly Briggs and Dave Robertson, newly appointed In-City Alternate Terry Senich, and reappointed Extraterritorial Alternate Tripp Mudge.

**MINUTES:** *March 24, 2011*

Vice-Chairman Bill Ward called for changes or amendments to the minutes. Dave Robertson made **MOTION**, seconded by Holly Briggs, to adopt the minutes as submitted and dispense with the reading. The motion carried unanimously.

**BUSINESS:**

**A. Request submitted by Arendell Room LLC, for a special-use permit (amendment) under Article 11 of the Unified Development Ordinance (UDO) to allow expansion of an existing “bar/cocktail lounge” located at 715 Arendell Street which is zoned DB (Downtown Business).**

Those wishing to give testimony were sworn in (Joyce Veltman and Trace Cooper).

Voting members were: Holly Briggs, Dick Gambill, Dave Robertson, Beth Taylor, and Bill Ward.

Holly Briggs made **MOTION**, seconded by Dave Robertson, to open the public hearing. The motion carried unanimously.

Zoning Enforcement Officer Joyce Veltman introduced the request.

The applicant, Trace Cooper, on behalf of Arendell Room LLC, has submitted an application for the expansion of an existing “bar/cocktail lounge” located at 715 Arendell Street. The building is approximately 25’ wide and is separated into two units. The Arendell Room currently occupies the western portion of the building, and Mr. Cooper now wishes to expand into the eastern portion of the building that is vacant. Slides were shown depicting the location of the property which is zoned DB (Downtown Business) and is surrounded by DB. The surrounding uses include retail, office, and parking. A site plan was shown depicting the existing building.

The use is allowed under Article 11. Article 14 lists five additional requirements for bars and cocktail lounges:

- 1) If the bar is in the downtown DB district, a separation distance of 300’ is required from any church, school, or daycare facility. *The Arendell Room was issued a Special-Use Permit in August 2006. Currently, there is a*

*church located at 702 Arendell Street which was issued a Special-Use Permit in June 2010, after the bar had opened for business. This should not be an issue because the bar is staying within the same building footprint, just expanding inside the building.*

- 2) *All live entertainment must take place inside the building. There have been a few complaints that Mr. Cooper will address in his testimony.*
- 3) *Any bar or cocktail lounge in the DB district shall be subject to approved design criteria. There were no special exterior changes requested for the outside of the building. Cocktail lounges shall not be permitted on any lot that directly abuts or is directly across the street from a residentially-zoned parcel. This requirement has been met.*
- 4) *Noise is limited between the hours of 10 pm and 10 am. The applicant must maintain compliance with the noise ordinance or risk having the Special-Use Permit revoked.*
- 5) *It shall be the responsibility of the applicant to prevent its patrons from loitering in the vicinity of the establishment. The applicant must maintain compliance or risk having the Special-Use Permit revoked. No complaints have been received by the Planning and Inspections office to date.*

With regard to the special-use criteria, a written application was received. This is an existing building and an existing use that does not affect adversely the general plans for physical development of the town. No inconsistencies were found with the Land Use Plan or the UDO. The use is not contrary to stated purposes of the regulations. No issues were detected with the ordinance or district purposes and the use is allowed with a special-use permit. There is off-street parking even though the property is in a parking exempt area.

The hearing has been advertised, and notices were mailed to property owners within one hundred (100) feet to notify them of the request. The Town has received no calls or comments from the public regarding the proposal.

The applicant, Mr. Trace Cooper, testified that the purpose of the expansion is to provide more seating for his patrons, a storage area, and a staging area for live entertainment. He stated that there had been a few complaints concerning live entertainment outside, and building a stage inside the bar will allow for adherence to the ordinance.

Mr. Cooper requested approval of the amended special-use permit.

The special-use criteria were addressed: 1) the proposed use will not adversely affect the health and safety of residents or workers in the town as it has been in existence for five years with no problems; 2) the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses. Mr. Cooper stated that since opening the Arendell Room five years ago, many other reputable businesses have moved into the area, thereby helping to revitalize downtown; 3) the proposed use will not be adversely affected by the existing uses, again, this is an existing business; and 4) the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, or noise or fumes or of the type of physical activity.

#### ***CONSIDERATION AND DETERMINATION OF CASE HEARD:***

Holly Briggs made **MOTION**, seconded by Beth Taylor, to close the public hearing. The motion carried unanimously.

All Board Members agreed that the expansion will allow the Arendell Room to continue to be good for downtown.

Dave Robertson made **MOTION**, seconded by Beth Taylor, to grant the special-use amendment. The motion carried unanimously.

#### ***UNFINISHED BUSINESS:***

There was no unfinished business discussed.

***NEW BUSINESS: Election of Officers***

Dave Robertson nominated James Walker as Chairman and Bill Ward as Vice-Chairman, both seconded by Beth Taylor. The motion carried unanimously.

***ADJOURNMENT:***

Holly Briggs made **MOTION**, seconded by Dave Robertson, to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 6:05 p.m.

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Jeannie Vaughan  
Secretary